

REMARKS

Claims 1-16 and 65-71 are all the claims pending in the application.

As a preliminary matter, the Examiner states in the Office Action of January 5, 2007, that an IDS was submitted on November 5, 2004. Applicant is not aware of any IDS submitted at or around that date.

Applicant submits that an IDS was filed July 1, 2003. The IDS filed July 1, 2003, was considered by the then-Examiner assigned to the present application, Examiner Vu Le, on September 30, 2004, as indicated in the PTO/SB/08 A & B (modified) initialed by Examiner Le and attached to the Office Action of October 4, 2004.

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and the Terminal Disclaimer filed June 21, 2006. Further, Applicant thanks the Examiner for acknowledging the amendments to the specification filed on June 21, 006.

In the Office Action, the Examiner states that the original U.S. Patent No. 6,263,026, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed.

Applicant submits that:

37 CFR 1.178(a) was amended, effective October 21, 2004, to eliminate the requirement for physical surrender of the original letters patent (i.e., the "ribbon copy" of the original patent) in a reissue application, and to make surrender of the original patent automatic upon the grant of the reissue patent.

Amended 37 CFR 1.178(a) applies retroactively to all pending applications. For those applications with an outstanding requirement for the physical surrender of the original letters patent, a reissue applicant must timely reply that the requirement is moot in view

of the implementation of the amended rule. Such a reply will be considered a complete reply to any requirement directed toward the surrender of the original letters patent.

M.P.E.P. § 1416.

Applicant timely replies that the requirement directed to surrender the patent is moot in view of the implementation of the amended rule.

Examiner states that the “reissue oath/declaration filed with this application is defective because it fails to identify at least one error.” Applicant submits that, in a telephone conversation with SPRE Kenneth A. Wieder on January 23, 2007, SPRE Wieder indicated that the error statement¹ in the Reissue Declaration of the Inventors filed March 31, 2004, appears to be proper. Therefore, Applicant requests the Examiner to acknowledge the Reissue Declaration of the Inventors filed March 31, 2004, and the Supplemental Reissue Declaration of September 13, 2006, as being proper and complying with 35 U.S.C. § 251.

Lastly, Applicant requests the Examiner to withdraw the rejection of claims 1-16 and 65-71 as being based on a defective reissue oath/declaration.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

¹ The error statements states, “[t]he present reissue application is a broadening reissue. The patent failed to claim the decoding aspect of the invention.” See Reissue Declaration of the Inventors filed March 31, 2004.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO.: 10/609,438

ATTY DOCKET NO.: Q75265

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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